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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-399

12 **ANGELIA SIMS BRITT**  
13 **AKA ANGELIA VERNELL SIMS**  
14 **P.O. Box 1333**  
**Seaside, CA 93955**

**A C C U S A T I O N**

15 **Registered Nurse License No. 414453**

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1987, the Board issued Registered Nurse License Number  
23 414453 to Angelia Sims Britt, aka Angelia Vernell Sims (Respondent). The license was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,  
25 2013, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Code section 2750 provides, in pertinent part, that the Board may discipline any  
3 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
4 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
6 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
7 to render a decision imposing discipline on the license.

8 6. Code section 2761 states:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an  
10 application for a certificate or license for any of the following:

11 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
13 functions.

14 ...

15 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
16 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
17 Act] or regulations adopted pursuant to it. . ."

18 7. Code section 2762 states, in pertinent part:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this  
20 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the  
21 following:

22 ...

23 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
24 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
25 section."<sup>1</sup>

26  
27 <sup>1</sup> Code section 2762(a) references "any controlled substance as defined in Division 10  
28 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or  
dangerous device as defined in Section 4022."

1 8. California Code of Regulations, title 16, section 1442, states:

2 As used in Section 2761 of the code, 'gross negligence' includes an extreme  
3 departure from the standard of care which, under similar circumstances, would have  
4 ordinarily been exercised by a competent registered nurse. Such an extreme  
5 departure means the repeated failure to provide nursing care as required or failure to  
6 provide care or to exercise ordinary precaution in a single situation which the nurse  
7 knew, or should have known, could have jeopardized the client's health or life.

8 9. California Code of Regulations, title 16, section 1443, states:

9 As used in Section 2761 of the code, 'incompetence' means the lack of  
10 possession of or the failure to exercise that degree of learning, skill, care and  
11 experience ordinarily possessed and exercised by a competent registered nurse as  
12 described in Section 1443.5.

#### 13 COST RECOVERY

14 10. Code section 125.3 provides, in pertinent part, that the Board may request the  
15 administrative law judge to direct a licentiate found to have committed a violation or violations of  
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
19 included in a stipulated settlement.

#### 20 FIRST CAUSE FOR DISCIPLINE

21 (Gross Negligence/Incompetence: Failure to Take or Allow Appropriate Disciplinary Action)

22 11. Respondent is subject to disciplinary action under Code section 2761(a)(1) for gross  
23 negligence and/or incompetence for failing to initiate or allow the appropriate investigation  
24 and/or discipline of licensed staff under her supervision, as follows:

25 12. While working as the Director of Nursing at the Correctional Training Facility (CTF)  
26 for the California Department of Corrections and Rehabilitation (CDCR) in Soledad, California,  
27 during 2010 and 2011, Respondent failed to take appropriate disciplinary action against  
28 unprofessional, incompetent and/or negligent licensed staff under her supervision, and/or  
prevented other nurse supervisors from investigating suspected misconduct or taking disciplinary  
action against unprofessional, incompetent and/or negligent licensed staff. Respondent did not

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1 notify the Board of Vocational Nursing and Psychiatric Technicians following the terminations  
2 for cause of at least two licensed vocational nurses (LVNs) under her supervision.

3 SECOND CAUSE FOR DISCIPLINE

4 (Incompetence: Falsification or Approval of Fraudulent Timesheets)

5 13. Respondent is subject to disciplinary action under Code section 2761(a)(1) for  
6 incompetence for falsifying or approving fraudulent employee time and attendance forms, as  
7 follows:

8 14. While working as the CTF Director of Nursing for CDCR in Soledad, California,  
9 Respondent signed time and attendance forms dated March, June and July 2010, for a registered  
10 nurse under her supervision that reported inaccurate or unverified regular and overtime hours,  
11 including hours on days for which the nurse had called in sick or was otherwise absent from  
12 work.

13 THIRD CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct: Falsification of Narcotic Drug Records)

15 15. Respondent is subject to disciplinary action under Code section 2762(e) for falsifying  
16 or making grossly incorrect, grossly inconsistent, or unintelligible entries in facility narcotic  
17 records, as follows:

18 16. In or around October or November 2010, while working as the CTF Director of  
19 Nursing for CDCR in Soledad, California, Respondent, under the guise of performing an "audit,"  
20 directed licensed staff under her supervision to recreate approximately 40 controlled drug  
21 administration record (CDAR) sheets, which Respondent signed. Each sheet lists 30 medications,  
22 accounting for approximately 1,200 missing narcotic drugs. Respondent had no way of assuring  
23 the accuracy of the recreated CDAR sheets. Respondent did not report the drug losses to the  
24 Drug Enforcement Administration (DEA).

25 FOURTH CAUSE FOR DISCIPLINE

26 (Nurse Practice Act Violations)

27 17. Respondent is subject to disciplinary action under Code section 2761(d) for violating  
28 or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or

1 conspiring to violate any provision or term of the Nursing Practice Act, as described in  
2 paragraphs 12, 14 and 16, above.

3 FOURTH CAUSE FOR DISCIPLINE

4 (General Unprofessional Conduct)

5 18. Respondent is subject to disciplinary action under Code section 2761(a) for  
6 unprofessional conduct, as described in paragraphs 12, 14 and 16, above.

7 DISCIPLINARY CONSIDERATIONS


8 19. To determine the degree of discipline, if any, to be imposed on Respondent,  
9 Complainant alleges that on May 9, 2011, Respondent was issued a Letter of Instruction from  
10 CDCR for having approved inaccurate time and attendance forms reflecting serious discrepancies  
11 based on grossly inaccurate sign-in sheets for a registered nurse under Respondent's supervision.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 414453 issued to Angelia  
16 Sims Britt, aka Angelia Vernell Sims;
- 17 2. Ordering Angelia Sims Britt, aka Angelia Vernell Sims, to pay the Board of  
18 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
19 pursuant to Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.
- 21
- 22

23 DATED: November 15, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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